

JAMES J. BINNS, P.C.

Attorney at Law

October 3, 2001



Ike Lawrence Epstein, Esquire
Beckley Singleton
530 Las Vegas Blvd. South
Las Vegas, NV 89101

Re: Daniel Seda

Dear Mr. Epstein:

Upon receipt of your September 24, 2001 letter protesting the #1 ranking of Daniel Seda (Exhibit A) the WBA scheduled a hearing for 12:00 noon, Friday, September 28, 2001. You were so notified on September 25, 2001 (Exhibit B).

On September 26, 2001 you wrote that Top Rank, Inc. would be represented at the hearing by Don Majeski. (Exhibit C) The hearing was convened at 12:00 noon with the following people in attendance: Felix Trinidad, Sr., Seda's manager; Jose Nicholas Medina, Esquire, Seda's attorney; Don King, Seda's Promoter; Dana Jamison, Vice-President, Don King Productions; Bobby Goodman, Director of Boxing, Don King Productions; Sherman W. Smith III, Esquire, an attorney at Don King Productions; Gilberto Jesus Mendoza, WBA Ratings Chairman; Gonzalo Lopez Silvero, Member, WBA Ratings Committee; and Bolivar Icaza, Chairman, WBA Championships Committee.

When Mr. Majeski did not appear by 12:20 p.m. everyone departed the meeting room. At 12:30 p.m. Mr. Majeski entered the lobby of the Paramount. He claimed to have no knowledge of any facts concerning Top Rank's Protest of Daniel Seda's rating, however, he assured everyone that a box-off between Daniel Seda and Juan Manuel Marquez would resolve whatever problem existed!

Because no submission was made to support Top Rank's protest, it is difficult for the World Boxing Association to respond to the threats contained in your letter. Although Mr. Marquez has no standing to complain because his rating was not affected, suffice it to say that the WBA has punctiliously complied in all aspects with the mandate of the Muhammad Ali Act in classifying Daniel Seda as the #1 featherweight contender.

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E-Mail jamesbinns@aol.com

As you know, During 2000, Juan Manuel Marquez was invited to participate in an elimination bout but declined to do so. In January, 2001 Seda moved from #11 to #10 after Itsvan Kovaks was removed from the ratings. He remained at that position until April 2001, when he moved from #10 to #7. In May, 2001 he was moved from #7 to #3 after winning an elimination bout with Nana Kanadu for the #1 position. His #3 ranking was a mistake on the part of the WBA Ratings Committee which was corrected in the August, 2001 ratings, after the solicitation of a vote. The vote to rank Seda #1 was unanimous.

In addition to refusing to participate in the box-off, Juan Manuel Marquez was inactive from April 1, 2001 until August 19, 2001. All of his opponents during 2000 and 2001 were unranked. The record of Daniel Seda (Exhibit D) reflects his May 12, 2001 victory over Nana Kanadu as well as his undefeated record.

I trust this explanation satisfies any questions regarding Seda's #1 ranking and conclusively dispels the hyperbolic suspicions enunciated in Todd duBoef's September 28, 2001 memo (Exhibit E) and your October 1, 2001 letter (Exhibit F) to the President of the Association of Boxing Commissions.

Very truly yours,

JAMES J. BINNS, P.C.

BY: 
James J. Binns

cc: Senator John McCain
Gilberto Mendoza, WBA President
Gilberto Jesus Mendoza, Executive Director
Tim Lueckenhoff, President of the Association of Boxing Commissions
Greg Sirb, Immediate Past President of the Association of Boxing Commissions
Rhonda Utley-Herring
Marc Ratner
Buddy Embanato, Jr.
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FAX (775) 823-2926

September 24, 2001

FAX TRANSMITTAL/011-58-244-663-3177
Gilberto Jesus Mendoza, Jr., Executive
Secretary, World Boxing Association
Centro Comercial Ciudad Turnero, Calle Petion c/c
Urdaneta, Local 21, Piso 2,
Turnero, Estado Aragua 2115
Venezuela

RE: Official Protest of the WBA August, 2001 Featherweight Rankings

Dear Mr. Mendoza:

The purpose of this letter is to place you on formal notice that the law firm of Beckley Singleton represents Top Rank and Juan Marquez with respect to the above-referenced matter. Therefore, please direct all future correspondence to my attention at the above address.

As chairman of the WBA ratings committee, I am sure you are aware that the WBA August, 2001 featherweight rankings ranked fighter Daniel Seda as the number one contender in the division with Naseem Hamed second, and Juan Marquez third. In both June and July of 2001, Mr. Seda was ranked third behind Messrs. Marquez and Hamed.

My clients assert that there is no justification for elevating Mr. Seda above Mr. Marquez. As I am sure you are aware, Mr. Marquez has not lost during the 2000, and has won his two most recent bouts by knockout. Further, Mr. Seda did not even fight during June and July of 2001. Your actions clearly violate both the spirit and the letter of the Muhammad Ali Boxing Reform Act ("Muhammad Ali Act"), 15 USCA §6300, et seq. Specifically, pursuant to §11(c) of the Muhammad Ali Act:

NOTIFICATION OF CHANGE IN RATING - A sanctioning organization shall not be entitled to receive any compensation, directly, or indirectly, in connection with the boxing match, until, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers, the organization

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SINGLETON
CH'D

September 24, 2001

Page Two

(1) posts a copy, within 7 days of such change, on its Internet website or home page, if any, including an explanation of such change, for a period of not less than 30 days; and

(2) provides a copy of the rating change and explanation to an association to which at least a majority of the State boxing commissions belong."

We have examined your website and there is no information which explains Mr. Seda's "leap frogging" of Juan Marquez in the WBA featherweight rankings. As I am sure you are aware, any person who knowingly violates the antiexploitation, sanctioning organization, or disclosure provisions of the Muhammad Ali Act, upon conviction may be

"imprisoned for not more than 1 year or fined not more than --

(A) \$100,000; and

(B) if a violation occurs in connection with a professional boxing match the gross revenues for which exceed \$2,000,000, an additional amount which bears the same ratio to \$100,000.00 as the amount of such revenues compare to \$2,000,000 or both."

Based on the aforementioned, we request, on behalf of Top Rank and Mr. Marquez, that the August, 2001 ratings be amended to place Mr. Seda in the number three position where he was located during the months of June and July, 2001.

Please respond to the aforementioned request on or before October 1, 2001.

Very truly yours,

BECKLEY SINGLETON

Ike Lawrence Epstein

ILE:ss

cc: Gilberto Mendoza, Sr./FAX TRANSMITTAL/011-58-244-663-3177
Bolivar A. Icaza, Championships Committee Chairman/FAX TRANSMITTAL/011-507-223-3975
James J. Binns, Esq./FAX TRANSMITTAL/215-557-8006
Marc Ratner
Todd duBoef

JAMES J. BINNS, P.C.

Attorney at Law

September 25, 2001

Ike Lawrence Epstein, Esquire
Beckley Singleton
530 Las Vegas Blvd. South
Las Vegas, NV 89101

Re: WBA Featherweight Rankings for August 2001

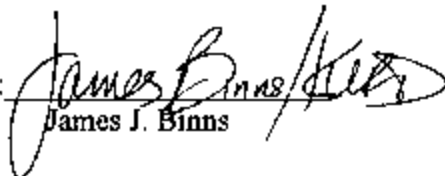
Dear Mr. Epstein:

The Chairman of the Rankings Committee has scheduled a hearing to consider the protest referenced in your letter of September 24, 2001 with regard to Juan Marquez. The date, time and location are:

Friday, September 28, 2001
12:00 Noon
The Paramount
240 East 39th Street
New York, NY 10016

The hearing will be convened in the second floor conference room. Be prepared to provide whatever justification you rely upon for the protest.

Very truly yours,
JAMES J. BINNS, P.C.

BY: 
James J. Binns

cc: Gilberto Jesus Mendoza, Chairman, Rankings Committee

JJB:kwrtd

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TELECOMMUNICATION TRANSMITTAL

TO: Jke Lawrence Ensign FAX NO. 702-385-9447
FROM: James J. Binns Date: September 23, 2001

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Re: WBA Featherweight Rankings; 12/1 August 2001

CONFIRMATION REPORT

09-25-01 01:43A ID: 2155578006 NAME: P

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September 26, 2001

FAX TRANSMITTAL/215-557-8006

James J. Binns
39th Floor, Mellon Bank Center
1735 Market Street
Philadelphia, PA 19103

RE: WBA Featherweight Ranks for August 2001

Dear Mr. Binns:

Thank you for your correspondence notifying me of the hearing before the WBA, currently set to take place September 28, 2001, at 12:00 noon (ET) at The Paramount. Because of the short notice, neither Todd duBoef nor Bob Arum will be able to travel to New York for the hearing. Therefore, Top Rank will be represented by Don Majeski at the September 28th hearing.

Thank you for your attention to this matter.

Very truly yours,

BECKLEY SINGLETON

Ike Lawrence Epstein

ILE:ss

cc: Gilberto Jesus Mendoza, Jr./fax/011-58-244-663-3177
Gilberto Mendoza, Sr./fax/011-58-244-663-3177
Bolivar A. Icaza/fax/011-507-223-3975
Todd duBoef

DANIEL SEDA
17-0-0, 15 KO's
FEATHERWEIGHT
JUANA DIAZ, PR

1996

Fri Dec 13 O LUIS RIVERA, CAGUAS, PR.....W DEC 4 127.0

1997

Sat May 17 O JOSEPH ROSARIO, JUANA DIAZ, PR.....W TKO 1 128.0
Fri Sep 19 O ISRAEL CORALIZ, SAN JUAN, PR.....W TKO 4 126.0
Sat Nov 08 O ROGELIO LUEVANO, LAS VEGAS, NV.....W TKO 2 126.0

1998

Sat Jan 31 O BOBBY LEE WRIGHT, TAMPA, FL.....W TKO 1 129.0
Fri Apr 03 O CARLOS MARTE, BAYAMON, PR.....W KO 3 130.0
Fri Aug 28 O MAURICIO JULIO, TRUJILLO ALTO, PR.....W TKO 3 128.0
Fri Nov 13 O HECTOR SANTANA, LAS VEGAS, NV.....W TKO 2 127.0
Fri Dec 18 O JOSE DISLA, ST. LAUDERDALE, FL.....W TKO 3 129.0

1999

Sat Apr 24 O FORBES DAVID, WASHINGTON, DC.....W KO 3 129.0
Sat May 29 O PASQUAL ROUSE, SAN JUAN, PR.....W KO 8 0.0
Sat Aug 21 O REGGIE SANDERS, MIAMI, FL.....W DEC 10 128.0
Sat Dec 11 O STEVE TRUMBLE, TUNICA, MS.....W TKO 4 122.0

2000

Fri Mar 17 O MARCOS BADILLO, PEMBROKE PINES, FL.....W TKO 2 127.2
Sat Aug 12 O OSCAR LEON, LAS VEGAS, NV.....W TKO 8 125.2
(WON FECARBOX 126 LB Title)
Sat Nov 11 O DANIEL JIMINEZ, SAN JUAN, PR.....W TKO 9 126.0

2001

Sat May 12 O NANA KONADU, NEW YORK, NY.....W TKO 9 125.0



Top Rank, Inc.
3980 Howard Hughes Parkway, Suite 580
Las Vegas, Nevada 89109

Tel. 702-732-2717
Fax 702-733-8232

September 28, 2001

To: Tim Lueckenhoff

From: Todd H. duBoef

Re: Juan Manuel Marquez

The following is synopsis of what transpired with the WBA's actions against Juan Manuel Marquez: I have enclosed supporting evidence including copies of e-mails and ratings.

- 1) On September 13, 2001, I was trying to make a pre-emptive deal for the #1 and Mandatory position between #2 ranked Victor Polo v. #4 ranked Juan Manuel Marquez.
- 2) On September 14, 2000, Gilberto Mendoza Jr. sent me an e-mail explaining the Featherweight box off between #2 ranked Victor Polo and #3 ranked Angel Vasquez. Jr. Mendoza explained that Vasquez would have to be in the box off and said the following: "It is important to tell you that if Marquez keeps fighting frequently he will ascend to the number 1 position after whoever wins the tournament. In time means 120 days plus 9 months corresponding to Marquez period as mandatory challenger..."
- 3) On September 19, 2000, I e-mailed to Jr. Mendoza that "my understanding is that Polo v Vasquez winner will fight Juan Manuel Marquez... is that correct?" Clearly hoping to get Marquez into an immediate box off the mandatory due Derrick Gainer in February.
- 4) On September 22, 2000 he e-mailed to discuss rumors in featherweight division and that he wanted to talk. The winner of Polo v. Vasquez went directly to fight Gainer; therefore, according to Jr. Mendoza's previous e-mail Marquez must keep winning and he would be #1 and Mandatory Challenger.
- 5) Victor Polo defeated Angel Vasquez on October 20, 2000 and went directly to a Derrick Gainer bout set for February 2001.
- 6) In the meantime, the WBA inserted Hamed as #1 in October 2000 ratings followed by Polo #2 and Marquez #3. In November 2000 ratings Polo was #1, Hamed #2 and Marquez #3 (by the way Daniel Seda is ranked #11 at this point).
- 7) We were upset with the current jump of Hamed but Jr. Mendoza said that he doubted that Hamed would fight for title so that Marquez would be the leading available as

shown in his #2 placement in the February 2001 rankings. In those ratings Daniel Seda is ranked #10 and Nana Konadu is ranked #12

- 8) In the meantime, Marquez TKO Sean Fletcher in the 7th Round on February 11, 2001.
- 9) In March 2001 rankings, Marquez remains #2 and Daniel Seda actually drops to #11 and Konadu to #13.
- 10) On April 1, 2001 Marquez TKO's Baby Larona in the 2nd round and remains at #2 ranked, and Seda moves to #7 and Konadu moves to #10. Keep in mind, Seda still has not engaged in a bout since November 11, 2000 and he has moved up 4 positions.
- 11) On May 12, 20001 , Seda TKO's Konadu in the 9th round and in the May, 2001 ratings he moves to #3 behind Hamed #1 and Marquez #2. *Keep in mind that Hamed lost decisively Marco Antonio Barrera on April 7, 2001 and stills remained in the #1 position.*
- 12) The June and July 2001 ratings remain the same with Hamed #1, who hasn't fought since his loss to Barrera, #2 Marquez and #3 Seda, who hasn't fought since May 12, 2001.
- 13) On August 19, 2001, Marquez TKO's Julio Gamboa in the 6th round and is dropped in the August 2001 ratings to #3 in behind #1 Seda , #2 Hamed. Seda moves from #3 to #1 without engaging in a bout. While Marquez wins in August and is dropped a position.
- 14) The Mandatory for Gainer is due November 24, 2001. If Hamed is not available then Marquez would be the leading available contender. BUT HAMED DOES NOT DESERVE the #1 POSITION BECAUSE HE LOST HIS LAST FIGHT TO BARRERA.
- 15) The WBA now says that they sanction the Seda v. Konadu bout as an Eliminator for the #1. If that is the case how can Fighters ranked #7 and #10 fight for the #1 spot. And more importantly, WHY WASN'T SEDA MOVED IMMEDIATELY TO #1 AFTER HIS VICTORY OVER KONADU. HE WAS RANKED #3 FOR THREE MONTHS.
- 16) Also, the WBA had to offer the leading available contenders to opportunity to fight for the #1 position like they did when #2 Polo fought #3 Vasquez in October 2000. MARQUEZ WAS NEVER OFFERED THIS BOUT.
- 17) From January - August 2001 rankings, Hamed fought 1 in 2001 and lost to Barrera, Seda fought 1 and won by TKO, and Maquez has fought 3 times with 3 TKO's.
- 18) On September 24, 2001, our attorney protested the move and they called for an immediate hearing 4 days later in New York. Don Majeski represented us and because of New York transit problems was 10 minutes late. The WBA, Jimmy Birns and Mendoza Jr. said he was to late. They also expressed that Marquez was supposed to fight Gainer; therefore he was not available for the box off.
- 19) Neither Top Rank nor Marquez was informed of a box off and we tried to make the Gainer fight directly. On June 11, 2001, I sent approval notice for the bout, but Gainer refused to fight soon after. Still the WBA never informed that they had a bout in May with Seda v Konadu in May. THEY SKIPPED OVER MARQUEZ WITHOUT EVER OFFERING FOR HIM TO ENGAGE IN AN ELIMINATION.

20) INTERESTING HOW ON OCTOBER 20, 2000, POLO #2 V. VASQUEZ #3 WAS AN
ELIMINATION BOUT, BUT ON MAY 12, 2001 SEDA V. KONADU WAS THE #7
RANKED FIGHTER AGAINST THE #10 RANKED FIGHTER.

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October 1, 2001

FAX TRANSMITTAL/573-751-5649

Tim Lueckenhoff
ABC President
3605 Missouri Blvd.
Jefferson City, MO 65102

RE: WBA Featherweight Rankings for August 2001

Dear Mr. Lueckenhoff:

It was a pleasure speaking with you today.

Enclosed please find a memorandum directed to you dated September 28, 2001, from Todd duBoef. This memorandum is essentially a "synopsis" of Top Rank's dealings with the WBA on behalf of Juan Manuel Marquez.

As the attached reveals, Mr. Marquez has been, for quite some time, a highly ranked WBA featherweight. On numerous occasions, representatives of the WBA indicated that Mr. Marquez would get the opportunity to fight for the featherweight title. Unfortunately, he has been prevented from this opportunity by the recent and unjustified ranking of Daniel Seda.

In October of 2000, Mr. Marquez was ranked #3 in the featherweight division while current #1 contender Seda was ranked #11. By February of 2001, Mr. Marquez had ascended to #2 in the WBA rankings where he remained until the August 2001 rankings in question.

While Mr. Marquez defeated no less than six opponents in 2000 and 2001, Mr. Seda was beginning a very suspicious tour through the WBA featherweight rankings. In 2001, Mr. Seda moved from #11 to #10. In the March 2001 rankings, Mr. Seda then fell to #11. Though Mr. Seda had not fought since November of 2000, in the WBA's April 2001 rankings he moved from #11 to #7.

On May 12, 2001, Mr. Seda TKO'd Nana Konadu. Apparently as a result of his victory, he ascended to the #3 ranked fighter in the May WBA featherweight rankings. Mr. Seda did not

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October 1, 2001

Page 2

fight during June or July of 2001, and maintained his #3 position. On August 19th, Mr. Marquez defeated Julio Gamboa.

For some reason, Mr. Seda, who did not fight during the month of August, moved from #3 to #1 in the August 2001 WBA featherweight rankings while Mr. Marquez who was victorious, dropped a position. As a result of the WBA's actions, on September 24, 2001, Top Rank officially protested the WBA August 2001 featherweight rankings. On September 28, 2001, a brief hearing was conducted in New York at the Paramount before WBA officials. Following the brief hearing, the WBA refused to amend its rankings.

As the enclosed reveals, there is simply no justification for elevating Mr. Seda above Marquez. We believe the actions of the WBA clearly violate both the spirit and the letter of Muhammad Ali Boxing Reform Act ("Muhammad Ali Act") as I indicated in my September 24, 2001, which is attached hereto.

Based upon the aforementioned and the attached exhibits, we are hereby requesting that the Association of Boxing Commissioners ("ABC") review the WBA's actions in elevating Mr. Seda to the #1 ranked position in the featherweight division. As I am sure you can imagine, the WBA will be shortly requiring a mandatory defense between champion Derrick Gainer and the "leading available contender" in the featherweight division. Therefore, your prompt attention to this matter is greatly appreciated.

If I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,

BECKLEY SINGLETON


Lawrence Epstein

BLE:ss

Enclosures

cc: Todd duBoef

Keith Klzer

Marc Ratner

Gilberto Jesus Mendoza, Jr./fax/011-58-244-663-3177

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Bolivar A. Icaza/fax/011-507-223-3975

James J. Blinn, Esq./fax/215-557-8006

2001 OCT 1 10:00 AM
U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535